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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,439

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/064,439	Applicant(s) HARRIS, SCOTT C.	
	Examiner JOCELYN GREIMEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16, 18-19, 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

SUPPLEMENTAL DETAILED ACTION

This supplemental response is being issued to correct an error in the previous Final Action issued 15 November 2007 and will restart Applicant's response period. This communication is in response to Applicant's Response to Restriction Requirement filed 16 August 2007.

Status of Claims

Claims 2-16, 18-19 and 22-32 are currently pending. Claims 8 and 22 are independent claims.

Response to Arguments

Applicant's arguments with respect to claims 2-16, 18-19 and 22-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's election with traverse of group 1 (claims 2-26, 18-19 and 22-32) in the reply filed on 16 August 2007 is acknowledged. The traversal is on the ground(s) that the claims are not properly restrictable or the claims are within the elected group. Applicant's arguments in response to the restriction requirement have been considered but are not persuasive for the reasons detailed in the restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-16, 18-19 and 22-32 rejected under 35 U.S.C. 102(e) as being anticipated by Rackson et al (US Patent Pub. 2002/0165817A1, hereinafter Rackson).

1. In reference to claims 8 and 22, Rackson discloses a method, system and apparatus comprising:
 - a. a web server, producing a web page which is available on the Internet;
and
 - b. an information translating part associated with said web server which receives e-mail messages and translates said e-mail messages into a form which can interact with said web page being produced by said web server;
 - c. wherein said web server is a server that hosts auctions of items for sale and maintains auction bids for items for sale over the Internet, and

- d. wherein said information translating part also sends e-mail messages that include information about items in said auctions for sale over the Internet, on which items a user has been outbid (0015; 0030-0034; 0055).
2. In reference to claims 2-7, 9-16, 18-19 and 23-32, Rackson discloses a method, system and apparatus wherein:
- a. e-mail messages include e-mail messages in plain text form (0055-0057; 0079);
 - b. further comprising an e-mail pager, producing said e-mail messages (0055-0057; 0079);
 - c. further comprising a cellular telephone, producing said e-mail messages(0055-0057; 0079);
 - d. server is a server that hosts auctions of items for sale and maintains auction bids for items for sale over the Internet information translating part receives and translates a user ID and password as part of said email messages (0055-0057; 0079);
 - e. wherein the information translating part accepts e-mail messages which include instructions to change bids on items in auctions for which a user has been previously outbid (0030-0034);
 - f. information translating part also sends e-mail messages indicative of information about said auctions and/or actions taking place on the web-page (0030-0034);

- g. wherein said information translating part produces and sends messages which include a session identification indicator that identifies said auction information (0030-0034; 0055-0057);
- h. wherein said information translating part detects a reply to one of said plain text messages which reply including said session identification indicator, and takes action on a specified auction based on said session identification indicator (0055-0057);
- i. wherein said e-mail messages include a session ID indicative of said actions (0055-0057; 0079);
- j. wherein said session ID is included as part of a return address in the e-mail message (0055-0057; 0079);
- k. wherein the session ID is used to interact with said actions on said Web page (0055-0057; 0079);
- l. wherein said action includes placing a new bid (0015; 0030-0034);
- m. wherein said information translating part detects a new bid amount as part of a sent message (0015; 0030-0034);
- n. further comprising sending a second e-mail that has instructions on a specific interaction with said web-page (0015; 0030-0034);
- o. wherein said first e-mail that includes information that requests specific information from said web-page, and further comprises sending a response including said specified information ((0030-0034).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Quinones (US Patent No. 6,904,449 B1); "As customers are out bid, they are notified via email and have the option to reply with a counter bid." (col. 55).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Jocelyn Greimel
Examiner, Art Unit 3693
March 18, 2008